

The opinion in support of the decision being entered today was not written for publication is not binding precedent of the Board.

Paper No. 41

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

MAY - 7 2001

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte SHALONG MAA

Appeal No. 2001-0908
Application 08/833,342

DECISION ON PETITION TO MAKE SPECIAL
PURSUANT TO 37 CFR § 1.102(c)


This is in response to the petition filed April 30, 2001, (Paper No. 40), requesting that the above identified application be granted Special Status under M.P.E.P. Section 708.02 I. The Petition was accompanied by a copy of a Business Plan for prospective investors.

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The Petition has been considered and found not to comply with the requirements set forth under M.P.E.P. Section I(A). No statement was made by the applicant that the manufacturer has possession of "sufficient presently available capital." Merely to state that "capital investment and facilities will be made available" and that the manufacturer plans to "obtain the equity capital investment needed" is insufficient. Furthermore, if the prospective manufacturer is an individual, there must be a corroborating statement from some responsible party, as for an example, an officer of a bank, showing that said individual has the required available capital to manufacture. Accordingly, the petition is hereby DISMISSED without prejudice.

Since the date on this appeal is reaching those being assigned On Brief, assignment is expected to be in about six months to a panel for decision.

BY ORDER OF THE BOARD OF PATENT
APPEALS AND INTERFERENCES



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